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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,212	06/14/2000	Martin Freeman	US000065	8301

7590 08/21/2003

Corporate Patent Counsel
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EXAMINER

THAI, CUONG T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,212

Applicant(s)

FREEMAN ET AL.

Examiner

CUONG T THAI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June/01/2003 Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-24 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

FINAL ACTION

1. This action is responsive to Amendment filed on June/01/2003.
2. Claims 1-10, and 12-24 are presented for examination. Claim 11 has been cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (USPN: 6,288,716) in view of Roth (USPN: 6,266,060).

As for claims 1 (system) and 12 (software), Humpleman discloses a wireless remote control device as a single command set may be used in a remote control for controlling plural devices (see col.8, lines 46-48) comprising:

A display with a graphical user interface for enabling user interaction with a plurality of menu options as the technique of a software

agent which assists the user in interacting with the network and controlling the various home devices connected to the network, and thus acts as the primary interface between the user and the home network...the software agent for the user may access the devices to get more information for the user, in order to assist the user making selections associated with the devices (see col. 9, lines 46-54).

Humpleman, however, does not disclose the limitation of an adapter for automatically and dynamically arranging the menu options in the GUI to reduce user navigation.

Roth discloses the limitation of an adapter for automatically and dynamically arranging the menu options in the GUI to reduce user navigation as the technique of automatic ranking control feature which provides for automatic heuristic control over menu item arrangement for both fixed and variable content menu (see col. 2, lines 29-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the limitation of an adapter for automatically and dynamically arranging the menu options in the GUI to reduce user navigation by Roth into that of Humpleman's user menu control invention. By doing so, the system would be enhanced by allowing user to arrange the menu dynamically based on user's desired manner.

As for claim 16, as recited in claim 1, the step of creating the GUI in response to the user profile is taught by Roth as the technique of user

profile 270 (see col. 4 line 64), updates user's profile to match that of the master profile (see col. 9, lines 23-24). This claim is therefore rejected for the reason as set forth above.

As for claim 21, as recited in claim 1, a remote control device for control of consumer electronics equipment is taught by Humpleman as homes devices are often controlled using a single common control unit, namely a remote control device (see col. 1, lines 45-47). This claim is therefore rejected for the reason as set forth above.

As for claim 22, due to the similarity of this claim to the limitation b of claim 1, this claim is therefore rejected for the same reason applied to claim 1.

As for claims 2 (system), 13 (software), 18 (method) and 23 (device), Humpleman discloses the invention substantially as claimed above. Humpleman, however, does not disclose the limitation of the wireless control device include the GUI comprises multiple pages and adapter dynamically arranges specific ones of menu options to particular ones of multiple pages.

Roth discloses the limitation of GUI comprises multiple pages and adapter dynamically arranges specific ones of menu options to particular ones of multiple pages as the technique of Web Explorer 250 that is

responsible for retrieving Web pages based on URL (see col. 7, lines 35-36), Web Explorer 250 is the computer program that have been enhanced to include the menu management mechanisms of the present application (see col. 4, lines 49-51), and Web Explorer 250 has been enhanced to include a "Menus...." menu item selection option in its "Configure" menu. Selection of this option allows the user to interact with menu initializer (see col. 7, lines 53-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's Web Explorer comprises multiple pages and adapter dynamically arranges specific ones of menu options to particular ones of multiple pages into that of Humpleman's wireless remote control invention. By doing so, the system would be enhanced by including the menu management tools to an end user.

As for claim 3, Humpleman discloses the invention substantially as claimed above. Humpleman, however, does not the limitation of adapter arranging the menu option dependent on an identity of the user.

Roth discloses the limitation of arranges the menu option dependent on an identity of the user as the technique of menu arrangements for a particular user type (see col. 6, lines 1-2) based on types of profiles might be "Programmer," "Secretary," "Scientist," "Doctor," etc. (see col. 9, lines 48-49) and user name field 605 would be used in the

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case where multiple users were using the same program (see col. 9, lines 64-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's arrangement of the menu option dependent on an identity of the user profiles into that of Humpleman's invention. By doing so, the system would be enhanced by allowing user to work on menu options control based on his/her own profile.

As for claims 4 (system), 14 (software) and 17 (method); Humpleman discloses the inventions substantially as claimed above. Humpleman, however, does not disclose the limitation of arrange menu options according to a history of user interaction with the GUI.

Roth discloses the limitation of arrange menu options according to a history of user interaction with the GUI as the technique of automatic menu arrangement for both fixed and variable content menus based on a combination of frequency of selection and recency of selection (see abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's automatic menu arrangement for both fixed and variable content menus based on a combination of frequency of selection and recency of selection into that of

Humpleman's invention. By doing so, the system would be enhanced by reduce user navigation among the menu options to an end user.

As for claim 19, Humpleman discloses the inventions substantially as claimed. Humpleman, however, does not disclose the limitation of the GUI providing interactivity with a World Wide Web site.

Roth discloses the limitation of the GUI providing interactivity with a World Wide Web site as the technique of Web Explorer 250 that is responsible for retrieving Web pages based on URL (see col. 7, lines 35-36), Web Explorer 250 is the computer program that have been enhanced to include the menu management mechanisms of the present application (see col. 4, lines 49-51), and Web Explorer 250 has been enhanced to include a "Menus..." menu item selection option in its "Configure" menu. Selection of this option allows the user to interact with menu initializer (see col. 7, lines 53-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's GUI providing interactivity with a World Wide Web site such as Web Explorer into that of Humpleman's invention. By doing so, the system would be enhanced by allowing user to surf the Web.

As for claim 5, Humpleman discloses the inventions substantially as claimed. Humpleman, however, does not disclose the limitation of arranges the menu options according to a user-profile.

Roth discloses the limitation of arranges the menu options according to a user-profile as the technique of menu arrangements for a particular user type (see col. 6, lines 1-2) based on types of profiles might be "Programmer," "Secretary," "Scientist," "Doctor," etc. (see col. 9, lines 48-49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's arranges the menu option based upon the user profiles into that of Humpleman's invention. By doing so, the system would be enhanced by allowing user to work on menu options control based on his/her own profile.

As for claims 6 (system) and 15 (software), Humpleman discloses the inventions substantially as claimed above. Humpleman, however, does not disclose the limitation of respective arrangements of the menu options for respective individual ones of multiple users.

Roth discloses the limitation of respective arrangements of the menu options for respective individual ones of multiple users as the technique of menu arrangements for a particular user type (see col. 6, lines 1-2) based on types of profiles might be "Programmer," "Secretary," "Scientist," "Doctor," etc. (see col. 9, lines 48-49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's respective arrangements of the menu options for respective individual ones of multiple users into that of Humpleman's invention. By doing so, the system would be enhanced by allowing user to work on menu options based on his/her own profile compared to other users.

As for claims 10, the limitation of the remote control device provides user control of consumer electronics equipment through GUI is taught by Humpleman as the technique of homes devices are often controlled using a single common control unit, namely a remote control device (see col. 1, lines 45-47) and a remote control unit comprises logic for controlling a television (TV), a video cassette recorder (VCR), and a digital video device (DVD) (see col. 1, lines 58-60). These claims are therefore rejected for the reason as set forth above.

As for claim 7, Humpleman disclose the invention substantially as claimed. Humpleman, however, does not disclose the limitation of enabling adapter to discriminate between the multiple users.

Roth discloses the limitation of enabling adapter to discriminate between the multiple users as the limitation of User Profile for a particular user type (see col. 6, lines 1-2) based on types of profiles might be

"Programmer," "Secretary," "Scientist," "Doctor," etc. (see col. 9, lines 48-49).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roth's User Profile for enabling adapter to discriminate between the multiple users into that of Humpleman's wireless remote control device invention. By doing so, the system would be enhanced by allowing user to work on menu options based on his/her own profile compared to other users.

As for claim 24, due to the similarity of this claim to the combination of claim 1 (limitation b) and claim 10, this claim is therefore rejected for the same reasons applied to claim 1 and 10.

As for claim 20, Humpleman discloses the invention substantially as claimed above. Humpleman, however, does not disclose the limitation of the user profile is stored at server and the GUI is created at the server for being downloaded to a control device.

Roth discloses the limitation of the user profile is stored at server and the GUI is created at the server for being downloaded to client as the technique of Server 300 is an enhanced IBM AS/400 computer system includes main memory 325 contain profile manager mechanism 355 (see col. 5, lines 47-61 and Fig. 2B) and the user is also able to select a profile type and a minimum font size. The profile type information is used to

obtain the correct master profile from the server 300 for initial menu arrangement (see col. 8, lines 31-34).

It would have been obvious to one having ordinary skill in the art at the time was made to include Roth's user profile is stored at server and the GUI is created at the server for being downloaded to user into that of Humpleman's remote control device. By doing so, the system would be enhanced by allowing user to use a remote control to download profile from the server and initiate menu arrangement from user site.

5. Applicant's arguments filed on June/01/2003 have been fully considered, but they are not persuasive.

On page 6, Applicant argues that "Independent claim 1 is amended herein to specifically claim a wireless remote control device; independent claims 12 and 16 are amended herein to specifically claim a method and software for configuring a graphical user interface of a wireless remote control device; and original claim 21 specifically claims a remote control device.

Both Humpleman and Roth address a graphical user interface for a conventional computer operating system, and Humpleman specifically distinguishes his invention from remote control devices that are conventionally used to control consumer electronic equipment."

Examiner, however, do not agree on the issue that Humpleman specifically distinguishes his invention from remote control devices that are conventionally used to control consumer electronic equipment since

Humpleman's invention teaches a single command set may be used in a remote control for controlling plural devices (see col. 8, lines 46-48) and consumer electronics equipment taught by Humpleman as homes devices are often controlled using a single common control unit, namely a remote control device (see col. 1, lines 45-47) and a remote control unit comprises logic for controlling a television (TV), a video cassette recorder (VCR), and a digital video device (DVD) (see col. 1, lines 58-60).

On the first paragraph of page 7, Applicant argues that " The Applicant acknowledge that Roth teaches a dynamic rearrangement of menu options, but respectfully maintain that a combination of Humpleman and Roth will result in a home network with dynamic menus, and will not lead to the Applicant's claimed invention." Examiner, however, do not agree to this argument since it would have been obvious to one having ordinary skill in the art at the time was made to include Roth's dynamic rearrangement of menu options into that of Humpleman's wireless control device. By doing so, the system would be enhanced by allowing user to arrange the menu dynamically based on user's desired manner.

On the second paragraph of page 7, with respect to claim 10 and 21, Applicant argues that " In the referenced Office action, addressing original claims 10, 11, and 21, which includes the limitations of a remote control for user control of consumer electronic equipment (claim 10) and the limitation of a remote control device (claims 11 and 21). Examiner, however, do not agree to this argument on three issues:

- 1) Claim 11 has been cancelled based on Amendment filed on June/01/2003.
- 2) The limitation of a remote control for user control of consumer electronic equipment is taught by Humpleman as the technique of homes devices are often controlled using a single common control unit, namely a remote control device (see col. 1, lines 45-47) and a remote control unit comprises logic for controlling a television (TV), a video cassette recorder (VCR), and a digital video device (DVD) (see col. 1, lines 58-60).
- 3) The limitation of a remote control device for control of consumer electronics equipment is taught by Humpleman as homes devices are often controlled using a single common control unit, namely a remote control device (see col. 1, lines 45-47).

On the third paragraph of page 7, Applicant argues that " In particular, Humpleman asserts that remote control units "will not be able to control and command the new home device that require control and command logic that was not known at the time the remote control was developed", and that remote control units can "only be used to command and control those home devices that are within the signal range of the remote control unit.". Examiner, however, do not agree to these arguments because:

- 1) The cited phrases "will not be able to control and command the new home device that require control and command logic that was not known at the time the remote control was developed", and "only be used to

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command and control those home devices that are within the signal range of the remote control unit." are only the background of the invention not Humpleman's presented invention.

2) Humpleman's invention not "only be used to command and control those home devices that are within the signal range of the remote control unit." but "a browser based home network uses Internet technology to control and command devices that are connected to a home network" (see col. 4, lines 25-28).

On this same paragraph, Applicant further argues that " Humpleman concludes that a home network is the appropriate solution/alternative to remote control units: "The present invention accordingly provides a method and system for implemented a home network for command and controlling home devices". Examiner, however, do not agree on this argument since Humpleman's browser based may be used in a remote control unit for commanding plurality of devices controlled by the graphical user interface.

On page 8, Applicant argues that " In view of the fore going, the Applicants respectfully request that the Examiner withdrawn the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance.". Examiner, however, do not agree to this conclusion. Claims 1-7, 10, and 12-24 are rejected for the reasons as set forth above.

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicants are required under 37 CFR 1.111 c to consider these references fully when responding to this action. The documents cited therein teach handheld or remote control device be able to communicate, monitor and control other devices on consumer friendly manner.
7. Accordingly, **THIS ACTION IS MADE FINAL**. A shortened statutory period for response to this action is set to expire THREE months from the date of this letter. Failure to response will cause the application to be abandoned.
35 U.S.C. 133.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG T THAI whose telephone number is (703) 308-7234. The examiner can normally be reached on 8:00 am - 4:00 pm.

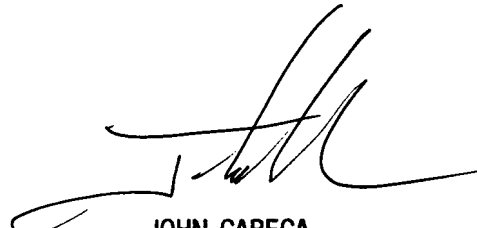
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached at (703) 308-3116.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8000.

CUONG T THAI

Examiner

Art Unit 2173



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

August 14, 2003